

**House Concurrent Resolution 32
On Second Reading**

On motion of Senator Tippen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 32, Granting permission to Harding Oil Company or Delta Drilling Company to sue the State of Texas or to join the State of Texas as a party to the suit.

The resolution was read.

On motion of Senator Tippen and by unanimous consent, the resolution was considered immediately and was adopted.

**Welcome and Congratulatory
Resolutions**

S. R. No. 146—By Senator Bridges: Extending congratulations to Charlie Haas for his notable feats.

S. R. No. 147—By Senator Bridges: Extending congratulations to Aris Gonzalez for his efforts on behalf of working people of Texas.

S. R. No. 148—By Senator Bridges: Extending congratulations to Jonas Salinas for his accomplishments in the field of education.

S. R. No. 149—By Senator Bridges: Extending congratulations to Manuel Narvaez for his service to the people of Texas.

S. R. No. 150—By Senator Christie: Extending congratulations to Jeremiah Handy for his service as chief of the Criminal Section of the United States Attorney's Office.

S. R. No. 151—By Senator Christie: Extending congratulations to Miss Barbara Beckham on the occasion of her 23rd birthday.

S. R. No. 152—By Senator Kennard: Extending welcome to Zee Joe Thornton.

S. R. No. 153—By Senator Harrington: Extending welcome to W. Rupp von Bruenneck, Judge of the German Constitutional Court.

Recess

On motion of Senator Aikin the

Senate at 5:30 o'clock p.m. took recess until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

October 16, 1972

S. C. R. No. 13

S. C. R. No. 14

S. B. No. 20

S. B. No. 21

S. C. R. No. 16

Sent to Comptroller

October 16, 1972

S. B. No. 32

EIGHTH DAY

(Continued)

(Tuesday, October 17, 1972)

After Recess

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Leave of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Aikin.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
October 17, 1972.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 55, Appropriating funds to the Department of Public Welfare for establishing, operating and administering a medical program under the Texas Medical Assistance Act of 1967; and declaring an emergency. (With Amendments)

The House has concurred in Senate amendments to H. C. R. 6 by non-record vote.

H. C. R. No. 38, Correcting Subsection (b) of Section 12.013 of the Committee Substitute to House Bill No. 52.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 56 on Third Reading

The President laid before the Senate on its third reading and final passage:

S. B. No. 56, A bill to be entitled "An Act relating to the punishment for murder under certain circumstances and conditions; amending Article 1257, Penal Code of Texas, 1925, as amended; and declaring an emergency."

The bill was read third time.

Senator Bernal raised the Point of Order that S. B. 56 had not been reported by a Committee at least three days before the time for final adjournment as required by Senate Rule 73, Joint Rule 18 and Art. III, §37 of the Constitution.

The President sustained the Point of Order.

Accordingly, Senator Word then withdrew S. B. No. 56.

Senate Resolution 159

Senator Creighton offered the following resolution:

Whereas, it has come to the attention of the Senate that the wife of one of our admired and respected colleagues, Senator H. J. "Doc" Blanchard, is in John Sealy Hospital in Galveston; and

Whereas, Mary Blanchard has been the favorite of the Senate ever since Senator Blanchard was elected in 1961; and

Whereas, it is the desire of the Senate to extend our wishes that Mary Blanchard soon return to her busy and productive schedule; now, therefore, be it

Resolved, By the Senate of the 62nd Legislature, 4th Called Session, that Mary Blanchard be extended our best wishes for a speedy recovery and many years to look after our Senator from Lubbock.

CREIGHTON
HARRIS
HERRING

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Grover, Hall, Harrington, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Schwartz, Sherman, Snelson, Tippen, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Creighton, the resolution was adopted.

Senate Bill 55 With House Amendments

Senator Patman called S. B. No. 55 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Senate Bill No. 55 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. It is the intent of the Legislature that the appropriations made by this Act be used by the Department of Health to fully restore medical benefits to needy Texans who have been denied certain medical care by recent Social Security legislation.

"Section 2. Only those individuals who, for the month of September 1972 were determined to be eligible for medical assistance under the Texas State plan approved under Title XIX of the Social Security Act and who for such month were entitled to monthly insurance benefits under such Act, but only those individuals who were denied such benefits as of October 1972 by enactment of P. L. 92-336 were by the United States Congress shall receive medical benefits under a Health Maintenance Services Program from the Department of Health as provided for and authorized by this Act.

"Section 3. The term 'Health Maintenance Services' means full State

payment of part of all of the following care and services for eligible individuals as defined by Sections 1 and 2 above:

- "(1) inpatient hospital services;
- "(2) outpatient hospital services;
- "(3) other laboratory and x-ray services;
- "(4) skilled nursing home services for individuals 21 years of age or older;
- "(5) physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere;
- "(6) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; and
- "(7) medical care, or any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practices as defined by State law.

"Section 4. Eligible individuals defined in Section 2 shall continue to be eligible for Health Maintenance Service as long as their income and resources do not exceed the September 1972 level by more than 50 percent.

"Section 5. Prior to implementation of such program the Department of Health shall submit a plan to the Governor that provides detailed information regarding proposed administration, type of services, and quality and cost control mechanisms to be utilized by the Department. Authority for implementation is contingent upon the Governor's determination that the plan provides the services outlined in Section 3.

"Section 6. There is hereby transferred the sum of \$4,000,000 out of earned Federal Fund Number 117 to the General Revenue Fund.

"Section 7. There is hereby appropriated out of the General Revenue Fund the sum of \$4,000,000 for the fiscal year ending August 31, 1973 to the Department of Health for all costs of planning, implementing and operating the program and for the

purchase of benefits as outlined in this Act.

"Section 8. Any agency of the State or agency under contract with the State is authorized to contract with and/or to interact with the Department of Health to whatever extent is necessary to carry out the provisions of this Act, provided, however, that such action is not in conflict with any other State law.

"Section 9. If any article, section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions be declared unconstitutional.

"Section 10. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted."

Amendment 2

Amend Committee Amendment No. 1 to S. B. 55 by striking out the word "were" as it appears on line 13, page 3 of the House Second Printing, immediately after the designation P. L. 92-336.

Amendment No. 3

Amend S. B. 55 by striking out all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled "An Act appropriating funds to the Texas Department of Health; making transfers out of earned federal fund 117; defining certain services to be provided; defining eligibility for these benefits; providing for development of a plan; authorizing cooperation between agencies; providing for severability; and declaring an emergency."

The House amendments were read.
(Senator Harris in Chair)

Senator Patman moved that the Senate do not concur in the House

amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment by the President of the following conferees on the part of the Senate on the bill:

Senators Patman, Aikin, Jordan, Herring and Wallace.

Resolutions Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H. C. R. No. 6

H. C. R. No. 32

House Bill 49 on Second Reading

Senator Connally asked unanimous consent to suspend the regular order of business and take up H. B. No. 49 for consideration at this time.

There was objection.

Senator Connally then moved to suspend the regular order of business and take up H. B. No. 49 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Herring
Beckworth	Jordan
Bernal	Kothmann
Blanchard	Mauzy
Brooks	McKool
Christie	Sherman
Connally	Snelson
Grover	Tippen
Hall	Wallace
Harrington	Watson
Harris	Word

Nays—6

Bridges	Kennard
Creighton	Patman
Hightower	Wilson

Absent

Bates	Schwartz
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Absent—Excused

Moore

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 49, A bill to be entitled "An Act relating to the methods of treatment of certain diseases in certain animals; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Vote

Senator Kennard asked to be recorded as voting "Nay" on the passage of the bill to third reading.

Motion to Place House Bill 49 on Third Reading

Senator Connally moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H. B. No. 49 be placed on its third reading and final passage.

The motion was lost by the following vote: (not receiving four-fifths vote of the Members present)

Yeas—19

Aikin	Harris
Beckworth	Herring
Blanchard	Kothmann
Bridges	Schwartz
Christie	Sherman
Connally	Snelson
Creighton	Tippen
Grover	Watson
Hall	Word
Harrington	

Nays—10

Bernal	Mauzy
Brooks	McKool
Hightower	Patman
Jordan	Wallace
Kennard	Wilson

Absent

Bates

Absent—Excused

Moore

(President in Chair)

Message From the House

Hall of the House of Representatives,
Austin, Texas,
October 17, 1972.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 20, Congratulating the Silver Spurs Honorary Service Organization.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**House Concurrent Resolution 19
On Second Reading**

Senator Wilson moved to suspend the regular order of business and take up H. C. R. No. 19 for consideration at this time.

The motion prevailed by the following vote:

Yeas—18

Bates	Hightower
Bernal	Jordan
Bridges	Kennard
Brooks	Kothmann
Christie	Schwartz
Connally	Sherman
Grover	Wallace
Hall	Wilson
Harrington	Word

Nays—9

Aikin	Patman
Beckworth	Snelson
Blanchard	Tippen
Harris	Watson
Herring	

Absent

Creighton	McKool
Mauzy	

Absent—Excused

Moore

The President laid before the Senate the following resolution:

H. C. R. No. 19, Expressing the intent of the Legislature concerning the location of the new State Highway Building.

The resolution was read and was adopted.

Record of Votes

Senators Blanchard, Patman, Tippen, Beckworth and Aikin asked to be recorded as voting "Nay" on the adoption of the resolution.

**House Concurrent Resolution 38
On Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 38, Correcting Subsection 12.013 of the Committee Substitute to House Bill No. 52.

The resolution was read.

On motion of Senator Word and by unanimous consent, the resolution was considered immediately and was adopted.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
October 17, 1972.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 55. Conference Committee on Senate Bill No. 55: Finck, Doran, Agnich, Caldwell, Jones of Taylor.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Motion to Place
House Concurrent Resolution 4
On Second Reading**

Senator Harris moved to suspend the Regular Order of Business in order to take up for consideration at this time H. C. R. No. 4.

Senator Jordan raised the Point of Order that H. C. R. No. 4 cannot be considered at this time because of Senate Rule 73 and Joint Rule 18.

The President sustained the Point of Order.

Recess

On motion of Senator Aikin, the Senate at 11:32 o'clock a.m. took recess until 1:45 o'clock p.m. today.

After Recess

The Presiding Officer (Senator Jordan in Chair) called the Senate to order at 1:45 o'clock p.m. today.

Senate Resolution 162

By unanimous consent, Senator Schwartz offered the following resolution:

S. R. No. 162, Authorizing the Senate Interim Coastal Zone Study Committee to study the use of Liberty Ships anchored off Beaumont, Texas, for the improvement and protection of the offshore environment of the State of Texas.

The resolution was read and was adopted.

Message From the House

Hall of the House of Representatives,
Austin, Texas.
October 17, 1972.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 37, Commending the Texas members of the United States Olympic Team.

S. B. No. 57, Changing the name of the Beaumont State Center for Human Development to the Will L. Smith Memorial Center for Human Development; and declaring an emergency. (With Amendment.)

H. C. R. No. 7, Creating a Joint Insurance Reform Study Committee.

S. B. No. 16, Relating to competitive premium rates and rate-making authority for all lines of insurance except those specified herein as not being subject to the provisions of this act; etc.; and declaring an emergency. (With Amendments.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Senate Bill 57
With House Amendments**

Senator Harrington called S. B. No. 57 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

To amend S. B. 57 by striking all below the enacting clause and insert the following:

Section 1. The administration building of the Beaumont State Center for Human Development is hereby named the Will L. Smith Building.

Sec. 2. The Texas Department of Mental Health and Mental Retardation shall cause said building to be appropriately inscribed as the Will L. Smith Building and shall affix to said building a suitable plaque dedicating it to the memory of the late Honorable Will L. Smith.

Sec. 3. The fact that the late Representative Will L. Smith provided the leadership and inspiration which resulted in the establishment of the Beaumont State Center for Human Development for mentally retarded citizens of Texas and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend S. B. 57 to make the Caption conform with the body of the bill.

The House amendments were read.

Senator Harrington moved that the Senate concur in the House amendments.

The motion prevailed.

(President in Chair.)

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 20

H. C. R. No. 19

H. C. R. No. 38

Motion to Place House Concurrent Resolution 7 on Second Reading

Senator Blanchard asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 7 for consideration at this time.

There was objection.

Senator Blanchard then moved to suspend the regular order of business and take up H. C. R. No. 7 for consideration at this time.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present.)

Yeas—19

Bates	Kennard
Blanchard	Kothmann
Bridges	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Hall	Tippen
Harrington	Watson
Harris	Word
Herring	

Nays—11

Aikin	Jordan
Beckworth	Mauzy
Bernal	McKool
Brooks	Wallace
Grover	Wilson
Hightower	

Absent—Excused

Moore

House Concurrent Resolution 37 On Second Reading

The President laid before the Senate the following resolution:

H. C. R. 37, Commending the Texas members of the United States Olympic Team.

The resolution was read.

On motion of Senator Wallace and by unanimous consent, the resolution was considered immediately and was adopted.

Motion in Writing

Senator Blanchard submitted the following Motion in Writing:

Mr. President:

I move that S. B. 16 which is a Senate Bill and as it now stands is

a complete House substitute for the original Senate bill be referred to the Committee on Economic Development under the terms of Rule 77 of the Rules of the Senate.

Respectfully submitted,
H. J. BLANCHARD

The Motion in Writing was read.

The President overruled the Motion in Writing stating that the House amended the bill and did not substitute another bill for it.

Recess

Senator Kennard moved that the Senate take recess until 3:30 o'clock p.m. today.

Senator Connally made a substitute motion that the Senate stand adjourned until 3:30 o'clock p.m. today.

Question first on the motion to adjourn until 3:30 o'clock p.m. today. "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—11

Bates	Herring
Blanchard	Sherman
Christie	Snelson
Connally	Tippen
Creighton	Watson
Harris	

Nays—19

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Grover	Schwartz
Hall	Wallace
Harrington	Wilson
Hightower	Word
Jordan	

Absent—Excused

Moore

Question recurring on the motion to take recess, the motion prevailed.

Accordingly, the Senate at 2:21 o'clock p.m. took recess until 3:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 3:30 o'clock p.m. today.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 57

H. B. No. 52

Message From the House

Hall of the House of Representatives,
Austin, Texas,
October 17, 1972.

Hon Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 22, Providing for sine die adjournment at 6:00 p.m., Tuesday, October 17, 1972.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 169

Senator Hightower offered the following resolution:

Whereas, With his retirement when the 62nd Legislature has adjourned sine die, the Reverend William Hays Townsend rounds out more than 20 years of service as Chaplain of the Senate of Texas; and

Whereas, Chaplain Townsend conducted his first morning devotion for the Senate in January, 1951, and now, 21 years later, his same clear, firm accents open each day's session with prayer as Members of the Senate pause for spiritual guidance and strength before assessing and finding answers to problems of the government of the State of Texas; and

Whereas, Like most chaplains selected by state legislatures and the United States Congress, Chaplain Townsend was a mature man who had served Baptist churches in Texas as pastor for nearly 40 years; he was born in Leesburg, near Pittsburg, Texas, on November 18, 1886, attended schools in Camp County before entering Baylor University from which he was graduated with distinction in 1919, and had held significant pastorates in East St. Louis, in Wichita Falls, and at Olney, where he was pastor for 16 years; and

Whereas, Chaplain Townsend has been honored in his denomination with

trusteeships on college boards, on the state executive board, and as vice president of the State convention; and

Whereas, This energetic and civic-minded gentleman made himself a vital part of each community in which he served, nor were his interests and activities devoted entirely to pastoral service: as a young man he served as deputy sheriff and tax assessor in Pittsburg and was principal of the high school at Whitney; he was an active Rotarian, and he and his late wife, the former Miss Zilpha Miller, shared in a desire to help all who needed them, including those in the foreign mission field; the late Mrs. Townsend, a graduate of Mary-Hardin Baylor College at Belton, was the sister of Miss Cynthia Miller, an associate of the celebrated missionary, Miss Lottie Moon of China; and

Whereas, Although Chaplain Townsend has never considered himself the pastor of Members of the Senate, he has always been available to offer consolation to those in sorrow, to rejoice with others on happy occasions; and

Whereas, No training course is provided for chaplains of the legislature, but Chaplain Townsend has demonstrated again and again his capability, his wisdom in confronting unusual situations, his mature judgment and seasoned advice; and

Whereas, As the Reverend Mr. Townsend leaves the service of the Senate and the State of Texas, he leaves with Members many an inspirational thought from the individual theme of each of his daily prayers; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature, 4th Called Session, highly commend the Reverend William Hays Townsend for his exceptional service as Chaplain of the Senate of Texas, and express appreciation to him for his religious devotion as exemplified in his life of service; and, be it further

Resolved, That an official copy of this Resolution, under the Seal of the Senate, be prepared for Chaplain Townsend, a man who has been "faithful in his response to human needs," as a token of friendship from individual Members of the Senate and an expression of good wishes to him as he celebrates his well-earned retirement.

HIGHTOWER
HERRING

The resolution was read.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Schwartz, Sherman, Snelson, Tippen, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Hightower, the resolution was adopted.

Senate Bill 16 with House Amendments

Senator Mauzy called S. B. No. 16 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. 16 by striking all below the enacting clause and substituting the following:

Section 1. The Texas Insurance Code, as amended, is hereby amended by adding thereto a Subchapter I to Chapter 5 of said Code, the additional subchapter and the articles contained therein to read as follows:

"SUBCHAPTER I. PREMIUM RATE REGULATION

"Article 5.80-1. CONSTRUCTION AND PURPOSES

"(1) CONSTRUCTION. This subchapter shall be liberally construed to achieve the purposes stated in paragraph (2) which shall constitute an aid and guide to interpretation but not an independent source of power.

"(2) PURPOSES. The purposes of this subchapter are:

"(a) to protect policyholders and the public against the adverse effects of excessive, inadequate, or unfairly discriminatory rates;

"(b) to encourage, as the most effective way to produce rates that conform to the standards of subparagraph (a) of this paragraph, independent action by and reasonable price competition among insurers;

"(c) to provide formal regulatory controls for use if independent action and price competition fail;

"(d) to authorize cooperative action among insurers in the rate-making process, and to regulate such cooperation in order to prevent practices that tend to bring about monopoly or to lessen or destroy competition;

"(e) to encourage the most efficient and economic marketing practices; and

"(f) to regulate the business of insurance in a manner that will preclude application of federal antitrust laws.

"Article 5.80-2. DEFINITIONS. For the purposes of this subchapter unless a different meaning is manifest from the context:

"(1) 'Supplementary rate information' includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium policy fee, rating rule, rate-related underwriting rule, and any other information prescribed by rule of the State Board of Insurance.

"(2) 'Rate service organization' means any person, other than an employee of an insurer, who assists insurers in rate-making or filing by:

"(a) collecting, compiling, and furnishing loss or expense statistics;

"(b) recommending, making, or filing rates or supplementary rate information; or by

"(c) advising about rate questions, except as an attorney giving legal advice.

"(3) 'Market segment' means any line or kind of insurance or, if it is described in general terms, any subdivision therefor or any class of risks or combination of classes.

"Article 5.80-3. SCOPE OF APPLICATION—KINDS AND LINES OF INSURANCE

"The provisions of this subchapter shall apply to only motor vehicle or automobile insurance and fire insurance and allied lines; provided, however, this subchapter shall not apply

to insurance regulated under Article 5.53 of this Code.

"Article 5.80-4. SCOPE OF APPLICATION—TYPES OF INSURERS

"This subchapter applies to all insurers authorized to write motor vehicle or automobile insurance; and fire insurance and allied lines, including county mutual insurance companies, Lloyd's plan companies, reciprocal or inter-insurance exchanges; provided, however, this subchapter shall not apply to:

"(a) farm mutual insurance companies as authorized in Chapter 16 of this Code;

"(b) county mutual fire insurance companies which are writing exclusively industrial fire insurance policies as defined in Article 17.02 of this Code; and

"(c) any companies now operating under Chapters 12 and 13 of Title 78 of the Revised Civil Statutes of 1925, as amended, which have heretofore been repealed.

"Article 5.80-5. STATISTICAL PLANS, STANDARDS AND CLASSIFICATION OF RISKS

"(1) **RULES AND STATISTICAL PLANS.** The State Board of Insurance shall promulgate reasonable rules and statistical plans for use thereafter by all insurers in the recording and reporting of loss and experience, in order that experience of such insurers may be made available to it. In addition, the Board may require an insurer to record or report its experience on its own rating system, if any. The State Board of Insurance may designate one or more rate service organizations to assist it in gathering such experience and making compilation thereof, which shall be made available to the public.

"(2) **INTERCHANGE OF RATING PLAN DATA.** Reasonable rules and plans may be adopted by the Board after due consideration, requiring the interchange of loss experience necessary for the application of rating plans.

"(3) **CONSULTATION WITH OTHER STATES.** In order to further uniform administration of rating laws, the Board and every insurer and rate service organization may exchange information and experience data with

insurance supervisory officials, insurers, and rate service organizations in other states and may consult and cooperate with them with respect to ratemaking and the application of rating systems.

"(4) **UNIFORMITY.** The State Board of Insurance shall function under the duties and authority for promulgating statistical plans, classifications, classification plans, rates and rating plans as authorized under Articles 5.01, 5.03, 5.04, 5.05, 5.25, 5.31 and 5.34 of this Code with the exception that such classifications, classification plans, rates, and rating plans shall be a standard, but not exclusive, classification plan, rate and rating plan and individual insurers may elect to use the standard of each category or may vary from such standard only in accordance with Articles 5.80-6 and 5.80-7 of this Code.

"Article 5.80-6. RATE STANDARDS

"(1) **GENERAL.** Rates shall not be excessive, inadequate, or unfairly discriminatory, nor shall an insurer charge any rate which if continued will have or tend to have the effect of destroying competition or creating a monopoly.

"(2) **EXCESSIVENESS.** Rates are presumed not to be excessive if a reasonable degree of competition exists at the consumer level with respect to the class of business to which they apply. In determining whether a reasonable degree of competition exists, the commissioner shall consider all relevant tests including:

"(a) the number of insurers actively engaged in the class of business;

"(b) the existence of rate differentials in that class of business;

"(c) whether long-run profitability for insurers generally of the class of business is unreasonably high in relation to its riskiness.

"(3) **INADEQUACY.** Rates are inadequate if:

"(a) they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply;

"(b) the continued use of such rate endangers the solvency of the insurer using the same; or

"(c) the use of such rate by the insurer using same has, or if continued will have, the effect of destroying competition or creating a monopoly.

"(4) UNFAIR DISCRIMINATION. One rate is unfairly discriminatory in relation to another in the same class if it clearly fails to reflect equitably the differences in expected losses and expenses. Rates are not unfairly discriminatory because different premiums result for policyholders with like loss exposures but different expense factors, or like expense factors but different loss exposures, so long as the rates reflect the differences with reasonable accuracy. A rate is unfairly discriminatory when it produces a premium reduction as a result of reducing an agent's normal commission for a class of insurance and applying that reduction to the premium for a single risk.

"Article 5.80-7. RATING METHODS. In determining whether rates comply with the standards under Article 5.80-6, the following criteria shall be applied:

"(1) BASIC FACTORS IN RATES. Due consideration shall be given to past and prospective loss and expense experience within and outside this state, to catastrophe hazards and contingencies, to trends within and outside this state, to loadings for leveling premium rates over time or for dividends or savings to be allowed or returned by insurers to their policyholders, members, or subscribers, and to all other relevant factors, including the judgment of technical personnel.

"(2) CLASSIFICATION. Risks may be classified in any reasonable method for the establishment of rates and minimum premiums, except that classifications may not be based on race, color, creed, or national origin. Any such classifications or classification plans shall be designed in a manner that will assure they relate to and are assimilable into the statistical plans promulgated or approved by the State Board of Insurance. Rates thus produced may be modified for individual risks in accordance with rating plans or schedules which establish reasonable standards for measuring probable variations in hazards, expenses, or both. Such standards may measure any difference among risks that have a probable effect upon losses or ex-

pense. Classifications or modifications of classifications of risks may be established based upon size, expense, management, individual experience, location or dispersion of hazard, or any other reasonable considerations. Such classifications and modifications shall apply to all risks under the same or substantially the same circumstances or conditions.

"(3) EXPENSES. The expense provisions included in the rates to be used by an insurer may reflect the operating methods of the insurer and, so far as it is credible, its own expense experience.

"(4) PROFITS. The rates may contain an allowance permitting a profit that is not unreasonable in relation to the chance of loss in the class of business.

"Article 5.80-8. FILING OF RATES

"On or before the effective date thereof, every authorized insurer and every licensed rate service organization which has been designated by an insurer for the filing of rates shall file with the State Board of Insurance all rates and supplementary rate information and all changes and amendments thereof made by it for use in this state.

"Article 5.80-9. FILINGS OPEN TO INSPECTION

"Each filing and any supporting information filed under this subchapter shall, as soon as filed, be open to public inspection at any reasonable time. Copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

"Article 5.80-10. MINIMUM PERIOD FOR USE OF RATES

"For a period of 90 days after the effective date of a rate or rate change an insurer shall be required to have the approval of the State Board of Insurance to file a new rate or amendment thereto.

"Article 5.80-11. DELEGATION OR RATE MAKING AND RATE FILING OBLIGATION

"(1) RATE MAKING. An insurer may itself establish rates and supplementary rate information for any market segment based on the factors in Article 5.80-6 of this subchapter, or it may use rates and supplementary

rate information prepared by a rate service organization, with average expense factors determined by the rate service organization or with such modification for its own expense and loss experience as the credibility of that experience allows.

"(2) **RATE FILING.** An insurer may discharge its obligation under Article 5.80-7 of this subchapter, by giving notice to the State Board of Insurance that it uses rates and supplementary rate information prepared by a designated rate service organization, with such information about modification thereof as is necessary fully to inform the State Board of Insurance. The insurer's rates and supplementary rate information shall be those filed from time to time by the rate service organization, including any amendments thereto as filed, subject, however, to the modifications filed by the insurer.

"Article 5.80-12. NONCOMPLIANCE

"(1) **NOTICE BY BOARD.** If, after examination of an insurer or rate service organization, or after determination of the need to adjust rates in accordance with Articles 5.80-6 and 5.80-7 of this subchapter, or upon sufficient complaint as provided in Article 5.80-14 of this subchapter, the Board has good cause to believe that any such insurer or rate service organization or any rates, rating plan, or rating method made or used by such insurer or rate service organization does not comply with the requirements and standards of this subchapter applicable to it, it shall, unless it has good cause to believe such noncompliance is willful, give notice in writing to every insurer or rate service organization which filed such rates stating therein what manner and to what extent such noncompliance is alleged to exist and specifying therein a reasonable time, not less than 30 days thereafter, in which such noncompliance may be corrected. Notices under this section shall be confidential as between the Board and the parties unless a hearing is held under Subsection (2) of this article.

"(2) **HEARING BY BOARD.** If the Board has good cause to believe such noncompliance to be willful or if within the period prescribed by the Board in the notice required by this article, the insurer or rate service organization does not make such changes as

may be necessary to correct the noncompliance specified by the Board or establish to the satisfaction of the Board that such specification of noncompliance does not exist, then the Board may hold a public hearing in connection therewith, provided that within a reasonable period of time, which shall be not less than 30 days before the date of such hearing, it shall mail written notice specifying the matters to be considered at such hearing to such insurer or rate service organization. If no previous notice has been given as provided in this article, such notice shall state therein in what manner and to what extent noncompliance is alleged to exist. The hearing shall not include any additional subjects not specified in the notices required by this article.

"(3) **FINDINGS AND PENALTIES BY THE BOARD:** If after a hearing pursuant to Subsection (2) of this article the Board finds:

"(a) that any rate, rating plan, or rating method violates the provisions of this subchapter applicable to it, it may issue an order to the insurer or rate service organization which has been the subject of the hearing specifying in what respect such violation exists and stating when, within a reasonable period of time, the further use of such rate or rating system by such insurer or rate service organization in contracts of insurance made thereafter shall be prohibited;

"(b) that an insurer or rate service organization is in violation of the provisions of this subchapter applicable to it other than the provisions dealing with rates, rating plans, or rating systems, it may issue an order to such insurer or rate service organization which has been the subject of the hearing specifying in what respects such violation exists and requiring compliance within a reasonable time thereafter;

"(c) that the violation of any of the provisions of this subchapter applicable to it by any insurer or rate service organization which has been the subject of hearing was willful, it may suspend or revoke, in whole or in part, the certificate of authority of such insurer, or the license of such rate service organization;

"(d) that any rate service organization has willfully engaged in any fraudulent or dishonest act or practice, it may suspend or revoke, in

whole or in part, the license of such organization.

"(4) FAILURE TO COMPLY WITH BOARD ORDER. In addition to any penalties provided elsewhere in this article, the Board may suspend or revoke, in whole or part, the license of any rating organization or the certificate of authority of any insurer which fails to comply, within the time limited by such order or any extension thereof which the Board may grant, with an order of the Board lawfully made by it pursuant to this article.

"Article 5.80-13. SPECIAL RESTRICTIONS ON INDIVIDUAL INSURERS. In addition to and not in limitation thereof of any and all provisions of Article 2.28-A of this code, the State Board of Insurance may by order require that a particular insurer file any or all of its rates and supplementary rate information 15 days prior to their effective date, if and to the extent that the Board finds, after a hearing, that the protection of the interests of the insureds and the public in this state requires closer supervision of the particular insurer's rates because of the insurer's financial condition or rating practices. The Board may extend the waiting period for any filing for not to exceed 15 additional days by written notice to the insurer before the first 15-day period expires. A filing not disapproved before the expiration of the waiting period shall be deemed to meet the requirements of this subchapter, subject to the possibility of subsequent disapproval under Article 5.80-12 of this subchapter.

"Article 5.80-14. NOTICE AND HEARING ON GRIEVANCES

"(1) RIGHT TO HEARING. In addition to other rights granted under this code, any person, insurer, or rate service organization is entitled to a hearing or rehearing before the Board on any grievance resulting from the approval or disapproval of any rate, the approval or disapproval of any policy form or endorsement, the adoption of any rule or regulation, or any action of the Board under this subchapter.

"(2) APPLICATION FOR HEARING. Any person, insurer, or rate service organization which desires a hearing or rehearing under this article shall submit an application to

the Board stating the reasons for requesting the hearing, and the Board shall set a date for the hearing within 30 days after receiving the request.

"(3) NOTICE. At least 10 days before the hearing, the Board shall give written notice to all interested persons and shall post a copy of the notice at the secretary of state's office. The notice shall state the time, place, and date for the hearing and the purpose for which the hearing is being called.

"(4) HEARING PROCEDURE. At the hearing, any person may appear and testify.

"(5) DECISION. Within 15 days after the conclusion of the hearing, the Board shall issue an order affirming, reversing, or modifying its action.

"(6) APPEAL. Any such person, insurer, or rate service organization which is not satisfied with the Board's decision may appeal to a district court in Travis County as provided in Article 1.04(f), of the Texas Insurance Code.

"Article 5.80-15. INSURERS

"No insurer shall assume any obligation to any person other than a policyholder or other companies under common control to use or adhere to certain rates or rules, and no other person shall impose any penalty or other adverse consequence for failure of an insurer to adhere to certain rates or rules."

Sec. 2. Article 1.10, Texas Insurance Code, is amended by adding immediately following paragraph 7 thereof the following additional paragraph:

"7A. FINE IN LIEU OF SUSPENSION OF CERTIFICATE. The Board, in any proceeding under the provisions of paragraph 7 of this article, may, by an alternative order, permit the holder of such certificate of authority to elect in writing to pay a specified money penalty, within a specified time, in lieu of the suspension of its certificate of authority. If the holder so elects, the sum of money specified shall be paid to the Board for deposit with the State Treasurer to the credit of the General Revenue Fund. The sum specified shall not exceed \$10,000. Should the holder so

electing fail to pay the specified sum within the specified time the Board shall, unless its order be lawfully stayed, forthwith put into effect the alternative specified in its order.

"The authority vested in the Board by this paragraph shall be additional to and not in lieu of any other authority to enforce any penalties, fines, forfeitures, demands, suspensions, restrictions or revocations of certificates of authority otherwise authorized by law."

Sec. 3. Article 1.04, Texas Insurance Code, is amended by adding a new Subsection (e) to read as follows:

"(e) The State Board of Insurance, in any proceedings, alleging violations of the provisions specified in this code that grant the State Board of Insurance authority to suspend or cancel a license or certificate of authority, may, by alternative order, permit the holder of such license or certificate of authority to elect in writing to pay a specified money penalty, within a specified time, in lieu of the suspension of such license or certificate of authority. If the holder so elects, the sum of money specified shall be deposited with the State Treasurer to the credit of the General Revenue Fund. The sum specified shall not exceed \$10,000. Should the holder so electing fail to pay the specified sum within the specified time the State Board of Insurance shall, unless its order be lawfully stayed, put in effect the alternative specified in its order."

The authority vested in the State Board of Insurance by this article shall be additional to and not in lieu of any other authority to enforce any penalties, fines, forfeitures, denials, suspensions, restrictions, or revocations of certificates of authority otherwise authorized by law.

Sec. 4. Article 5.01, Texas Insurance Code, as amended, is amended to read as follows:

"Article 5.01. FIXING RATE OF AUTOMOBILE INSURANCE

"Every insurance company, corporation, interinsurance exchange mutual, reciprocal, association, Lloyd's or other insurer, hereinafter called insurer, writing any form of motor vehicle insurance in this State, shall annually file with the Board of Insurance Commissioners, hereinafter called Board, on forms prescribed by the Board, a report showing its pre-

miums and losses on each classification of motor vehicle risks written in this State.

"The Board shall have the sole and exclusive power and authority, and it shall be its duty to determine, fix, prescribe, and promulgate just, reasonable and adequate standard average rates of premiums for all forms of insurance on motor vehicles in this State, including fleet or other rating plans designed to discourage losses from fire and theft and similar hazards and any rating plans designed to encourage the prevention of accidents. In promulgating any such rating plans the Board shall give due consideration to the peculiar hazards and experience of individual risks, past and prospective, within and outside the State and to all other relevant factors, within and outside the State. The Board shall have the authority also to alter or amend any and all of such rates of premiums so fixed and determined and adopted by it, and to raise or lower the same or any part thereof.

"Said Board shall have authority to employ clerical help, inspectors, experts, and other assistants, and to incur such other expenses as may be necessary in carrying out the provisions of this law; provided, however, that the number of employees and salary of each shall be fixed in the General Appropriation Bill passed by the Legislature. The Board shall ascertain as soon as practicable the annual insurance losses incurred under all policies on motor vehicles in this State, make and maintain a record thereof, and collect such data as will enable said Board to classify the various motor vehicles of the State according to the risk and usage made thereof, and to classify and assign the losses according to the various classes of risks to which they are applicable; the Board shall also ascertain the amount of premiums on all such policies for each class of risks, and maintain a permanent record thereof in such manner as will aid in determining just, reasonable and adequate rates of premiums.

"Motor vehicle or automobile insurance as referred to in this subchapter shall be taken and construed to mean every form of insurance on any automobile or other vehicle hereinafter enumerated and its operating equipment or necessitated by reason of the liability imposed by law for damages

arising out of the ownership, operation, maintenance, or use in this State of any automobile, motorcycle, motor-bicycle, truck, truck-tractor, tractor, traction engine, or any other self-propelled vehicle, and including also every vehicle, trailer or semi-trailer pulled or towed by a motor vehicle, but excluding every motor vehicle running only upon fixed rails or tracks. Workmen's Compensation Insurance is excluded from the foregoing definition."

Sec. 5. Article 5.03, Texas Insurance Code, as amended, is amended to read as follows:

"Article 5.03. STANDARD AVERAGE RATES

"Standard average rates promulgated by the Board shall be just, reasonable, and adequate for the risk to which they respectfully apply, and not confiscatory as to any class of insurance carriers authorized by law to write such insurance.

Sec. 6. Article 5.25, Texas Insurance Code, is amended to read as follows:

"Article 5.25. STANDARD AVERAGE (BOARD SHALL FIX) RATES

"The State Board of Insurance shall have the sole and exclusive power and authority and it shall be its duty to prescribe, fix, determine and promulgate standard average rates of premiums for fire insurance and allied lines. Said Board shall also have authority to alter or amend any and all such rates of premiums so fixed and determined and adopted by it, and to raise or lower the same, or any part thereof, as herein provided. Said Board shall have authority to employ clerical help, inspectors, experts and other assistants, and to incur such other expenses as may be necessary in carrying out the provisions of this law. Such expenses, including the salaries of the members of the Board, shall not exceed in the aggregate, for any fiscal year, the sum of One Hundred and Thirty Thousand (\$130,000.00) Dollars. Said Board shall ascertain as soon as practicable the annual fire loss in this State; obtain, make and maintain a record thereof and collect such data with respect thereto as will enable said Board to classify the fire losses of this State, the causes thereof, and the amount of premiums collected therefor for each

class of risks and the amount paid thereon, in such manner as will aid in determining equitable insurance rates, methods of reducing such fire losses and reducing the insurance rates of the State, or subdivisions of the State."

Sec. 7. Article 5.34, Texas Insurance Code, is amended to read as follows:

"Article 5.34. REVISING RATES

"No policy in force prior to the taking effect of a rate change or amendment shall be affected thereby, unless there shall be a change in the hazard of the risk, necessitating a change in the rate applicable to such risk, in which event such policy shall be subject to the new rates."

Sec. 8. Article 5.26, Texas Insurance Code, and all other laws in conflict with this Act are hereby repealed to the extent of the conflict.

Sec. 9. This Act shall become effective March 31, 1973.

Sec. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other portions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 11. The importance of this Legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1

Amend Committee Amendment No. 1 to S. B. 16 as follows:

1. Delete Art. 5.80-11A in its entirety.

2. Add a new Article 5.80-12 to read as follows, and renumber all following sections:

Article 5.80-12. MAXIMUM RATES. From the effective date of this Act until October 1, 1973, no company or

insurer shall charge a rate for the kinds and lines of insurance covered in this Act which is in excess of the rates in effect on January 1, 1973.

Amendment No. 2

Amend the amendment identified on Second Reading as House Floor Amendment No. 5 to S. B. 16 by striking the word "may" and inserting in substitution therefor the word "shall."

Amendment No. 3

Amend Committee Amendment No. 1 to Senate Bill No. 16, in Section 1 thereof by deleting lines 1 through 8 on Page 3 of the printed amendment and substituting in lieu thereof the following:

"The provisions of this subchapter shall apply to only motor vehicle or automobile insurance, fire insurance and allied lines, and multi-peril policies of insurance; provided, however, this subchapter shall not apply to insurance regulated under Article 5.53 of this code.

"Article 5.80-4. SCOPE OF APPLICATION: TYPES OF INSURERS

"This subchapter applies to all insurers authorized to write motor vehicle or automobile insurance; fire insurance and allied lines; and multi-peril policies of insurance; including county mutual insurance companies, Lloyd's plan companies,

and

by deleting lines 5 through 8 on Page 1a of the printed amendment and substituting in lieu thereof the following:

"Section 1. The Texas Insurance Code, as amended, is hereby amended by adding thereto a Subchapter I and a Subchapter J to Chapter 5 of said Code, the additional subchapters and the articles contained therein to read as follows:

and

by adding at the end of Section 1 of the amendment a new Subchapter J to read as follows:

"Subchapter J.

"Article 5.81. MULTI-PERIL POLICIES: PREMIUM AND RATE ADJUSTMENT PLANS; POWERS OF BOARD

"The State Board of Insurance shall have the sole and exclusive power and authority, and it shall be its duty, to make, approve, promulgate and prescribe policy forms, and to determine, fix, prescribe and promulgate standard average rates for multi-peril policies of insurance. Such multi-peril policies and rates may be in respect of one or more of the perils that are otherwise separately and differently subject to regulation under the provisions of one or more of the other subchapters of Chapter 5 of this code. In prescribing, promulgating or approving policy forms and rates the Board shall have the authority to designate the rating procedure which will be used in making the rates and forms and may choose the procedure under any of the subchapters of Chapter 5 for the purpose of determining forms and rates. In making rates on multi-peril policies the Board may make a cumulative rate or premium or it may rate such multi-peril policies on the basis of the experience resulting from the experience under the multi-peril policies alone or the separate experience as respects each peril and coverage. The board may permit discounts from what the rates would otherwise be, based on the actual savings in expense as is affected by the combining of coverages otherwise regulated under separate subchapters of this chapter and as respects any multi-coverage policy or 'multi-peril' policy or any like combination of forms and rates. No such form shall include unnecessary coverages as determined by the board and no rate or premium authorized by this article shall be excessive, inadequate or unfairly discriminatory. The board may authorize rate filings and such further discounts as may be warranted by provisions for inspection, premises operation standards, loss prevention requirements, or any other considerations and requisites as will improve the loss experience of the risk insured.

"To provide for multi-peril policies and in order to preserve normal and accepted rating procedures, included as necessary level rating methods, and to provide mathematical consistency in rate making, any deductible provision and any rate or premium reduction shall be made only after first arriving at a base rate or premium without the deductible. In arriving at base rates and premiums and in determining and evaluating the reported

loss experience in the rate making process, the method shall include provision that the amount of the deductible shall be added to any losses paid on policies containing such deductible as a proper and necessary function of calculating the base rate or premium, and as indicated, or in the event statistics are not available and adequate, there shall be added to the loss experience an amount which in the judgment of the board represents those losses occurring to the insureds which were less than the deductible and for which no insured loss was paid but which would have been paid except for the deductible provision.

"Additionally, any deductible provision, or any provision to pay the excess of loss over a stated amount, or any percentage deductible shall be applied so as to determine the amount of loss as is calculated after deducting the amount of the deductible from the loss and after deducting the amount of the deductible from the policy limit, and the amount of loss payable under such deductible multi-peril policy shall be the lesser amount established by such calculations notwithstanding any other provision of the Insurance Code requiring certain policy language or any provision of an insurance contract to the contrary.

"In carrying out the provisions of this article, the State Board of Insurance shall make, approve and enforce such rules and regulations as in the best judgment of the board are necessary and desirable in carrying out the purposes of this article and in achieving the objectives hereof.

"Taxes on premiums under multi-peril policies shall be collected and allocated to the categories of coverage in a manner comparable with similar taxes collected under other provisions of this code and shall be assessed and collected as the board shall determine, including the provisions of Article 5.49 of this code to the extent determined applicable by the board."

Amendment No. 4

Amend Committee Amendment No. 1 to Senate Bill No. 16, in Section 1 thereof, by deleting lines 24 through 27 on Page 5 and lines 1 through 7 on Page 6 of the printed amendment and substituting in lieu thereof the following:

"(4) UNFAIR DISCRIMINATION. Unfair discrimination shall be defined

to include, but shall not be limited to, the use of rates which unfairly discriminate between risks in the application of like charges or credits or the use of rates which unfairly discriminate between risks having essentially the same hazard and having substantially the same degree of protection against fire and allied lines."

Amendment No. 5

Amend Committee Amendment No. 1 to S. B. 16, by adding thereto a section properly numbered to read as follows:

"Art. —. DEDUCTIBLES.

"The State Board of Insurance may require that insurance companies, subject to the limitation in this paragraph, make available policies of insurance containing deductibles or optional deductibles, if prescribed by the board, as respects any form of property or casualty insurance that is being written by the insurer and that is regulated by this code. If provision is made by the State Board of Insurance for optional deductibles, the option shall rest with the applicant for the insurance, and the board may require that the policy as written contain the optional deductible. The provisions of this paragraph making mandatory the offering of deductibles by the insurer shall not apply to any optional deductible on any coverage if the prescribed optional deductible is in excess of Five Hundred Dollars (\$500).

Amendment No. 6

Amend Committee Amendment to S. B. No. 16, Second Printing, by adding the following at the end of line 18 on Page 15 the following; as an addition to paragraph e of Section 2:

"The State Board of Insurance may in addition to all other penalties set out in this code require that a company immediately refund to its policy holders any amount of premiums paid that the board finds excessive."

Amendment No. 7

Amend Senate Bill No. 16, Second House Printing, by adding a new Section 2, as follows, and by renumbering Sections 2 through 10 accordingly:

"Chapter 21, Texas Insurance Code, as amended, is amended by adding Article 21.51 to read as follows:

"Article 21.51. REPORTS AND INFORMATION"

"(1) Any insurer authorized to write any line or kind of insurance in this State who gathers any information or who prepares any report relating to any insured or to any person who has applied for insurance in this State, on written request of the insured or the applicant or his attorney or other representative, shall make the information or report available for inspection and shall provide copies of the information and the report. The insurer may charge a fee for the copies which is adequate to cover the cost of reproducing the information and the report.

"(2) If any insurer covered by this article fails or refuses to make any information or report available or to provide copies of any information or report, the insured or applicant or his attorney or other representative may seek a court order in a district court in the county in which the insured or applicant resides to require the insurer to make the information or report available and to provide copies.

"(3) Any insurer who fails or refuses to make the information or report available or who fails or refuses to provide copies of the information or report, on conviction, is subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each failure or refusal."

Amendment No. 8

Amend S. B. No. 16, Second Printing, by amending all above the enacting clause to conform to the body of the bill.

The House amendments were read.

Senator Mauzy moved that the Senate concur in the House amendments.

Senator Harris made the substitute motion that Senate Bill 16 with House amendments be Laid on the Table.

The motion to Lay S. B. No. 16 on the Table was lost by the following vote:

Yeas—8

Connally	Harris
Creighton	Jordan

Kennard	Wallace
Patman	Watson

Nays—22

Aikin	Herring
Bates	Hightower
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Schwartz
Brooks	Sherman
Christie	Snelson
Grover	Tippen
Hall	Wilson
Harrington	Word

Absent—Excused

Moore

Question recurring on the motion to concur in the House amendments to S. B. No. 16.

Senator Blanchard made the substitute motion that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion was lost by the following vote:

Yeas—14

Bates	Harris
Blanchard	Kennard
Bridges	Patman
Connally	Sherman
Creighton	Snelson
Hall	Watson
Harrington	Word

Nays—16

Aikin	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Brooks	McKool
Christie	Schwartz
Grover	Tippen
Herring	Wallace
Hightower	Wilson

Absent—Excused

Moore

Question recurring on the motion to concur in the House amendments to S. B. No. 16.

Senator Kennard was recognized to speak on the motion to concur in House amendments to S. B. No. 16.

Senator McKool moved the previous question on the motion to concur in House amendments to S. B. No. 16, but the motion was not duly seconded.

Question—Shall the Senate concur in House amendments to S. B. No. 16?

(Senator Aikin in Chair.)

(President in Chair)

Conference Committee Report On Senate Bill 55

Senator Patman submitted the following Conference Committee Report:

Honorable Ben Barnes, Lieutenant Governor

President of the Senate

Honorable Rayford Price

Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 55, have met and had the same under consideration, and beg to report back with the recommendation that it do pass in the form attached.

AIKIN
HERRING
JORDAN
PATMAN
WALLACE

On the part of the Senate.

FINCK
AGNICH
CALDWELL
DORAN

JONES of Taylor

On the part of the House.

S. B. No. 55, A bill to be entitled "An Act providing for medical benefits under a health insurance policy; authorizing the State Department of Public Welfare to make necessary rules, regulations and determinations regarding such benefits; making an appropriation to the State Department of Public Welfare for the fiscal year ending August 31, 1973 for costs related to the program; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. It is the intent of the Legislature that the appropriations made by this Act be used by the State Department of Public Welfare to fully

restore medical benefits to needy Texans who have been denied certain medical care by recent Social Security legislation.

Section 2. The State Department of Public Welfare shall provide medical benefits under a health insurance policy to only those individuals who, for the month of September 1972 were eligible for medical assistance under the Texas State plan approved under Title XIX of the Social Security Act and who for such month were entitled to monthly insurance benefits under such Act but were denied such benefits as of October 1972 by enactment of P. L. 92-336 by the United States Congress.

Section 3. The State Department of Public Welfare is authorized to determine the amount, duration and scope of such medical care, within the limitations of funds provided herein. The Department is further authorized and empowered to establish reasonable rules and regulations for establishing and administering this program.

Section 4. There is hereby appropriated out of Federal Fund number 117 the sum of \$4,000,000 for the fiscal year ending August 31, 1973 to the State Department of Public Welfare for all costs of planning, implementing and operating the program and for the purchase of benefits as outlined in this Act.

Section 5. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—27

Aikin	Creighton
Bates	Hall
Beckworth	Harrington
Bernal	Harris
Bridges	Herring
Brooks	Hightower
Connally	Jordan

Kennard	Snelson
Kothmann	Tippen
Mauzy	Wallace
McKool	Watson
Patman	Wilson
Schwartz	Word
Sherman	

Nays—1

Blanchard

Absent

Christie Grover

Absent—Excused

Moore

Message From the House

Hall of the House of Representatives,
Austin, Texas,
October 17, 1972.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 39, Suspending Rule No. 18 of the Joint Rules to permit consideration on H. C. R. No. 4.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 16 with House Amendments

The Senate resumed the consideration of the pending business, same being S. B. No. 16 with House amendments.

Question—Shall the Senate concur in House amendments to S. B. No. 16?

Senator Mauzy moved to reconsider the vote by which the Senate refused to not concur in House amendments to S. B. No. 16 and request a Conference Committee.

The motion prevailed.

Senate Mauzy then withdrew the motion to concur in House amendments to S. B. No. 16.

Senator Mauzy then moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Mauzy, Blanchard, Kennard, McKool and Schwartz.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 37

House Concurrent Resolution 39 On Second Reading

Senator Connally moved to suspend the regular order of business and take up H. C. R. No. 39 for consideration at this time.

The motion prevailed.

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 39, Suspending Rule No. 18 of the Joint Rules to permit consideration on H. C. R. No. 4.

The resolution was read and was adopted by the following vote:

Yeas—18

Aikin	Herring
Bates	Hightower
Beckworth	Kothmann
Blanchard	Patman
Bridges	Sherman
Connally	Snelson
Creighton	Tippen
Hall	Watson
Harris	Word

Nays—9

Bernal	Mauzy
Brooks	McKool
Harrington	Schwartz
Jordan	Wallace
Kennard	

Absent

Christie Wilson
Grover

Absent—Excused

Moore

House Concurrent Resolution 4 On Second Reading

Senator Connally moved to suspend the regular order of business and take up H. C. R. No. 4 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Herring
Bates	Hightower
Beckworth	Kothmann
Blanchard	Patman
Bridges	Sherman
Brooks	Snelson
Connally	Tippen
Creighton	Watson
Hall	Word
Harris	

Nays—8

Bernal	Mauzy
Harrington	McKool
Jordan	Schwartz
Kennard	Wallace

Absent

Christie	Wilson
Grover	

Absent—Excused

Moore

The President laid before the Senate the following resolution:

H. C. R. No. 4, Calling for a constitutional convention to propose an Article XXVII (27) to the United States Constitution, and prescribing restrictions on the convention.

The resolution was read.

Senator Schwartz offered the following amendment to the resolution:

Amend H. C. R. No. 4 by substituting the following language for that contained in the resolution:

Whereas, The continuing trend of Federal courts and agencies to require and put emphasis upon compulsory ethnic and racial balance in each public school is an issue of deep and serious concern to the people of this State; and

Whereas, The continuing Federal requirements of closing some established, neighborhood schools, or alter-

ing normal attendance zones, of unreasonably transporting students miles from their homes and of severing valued school loyalties, relationships and friendships, have caused serious public disruption, discord, controversy and unrest, and have strained relationships between otherwise harmonious segments of our society; and

Whereas, The enormous costs imposed upon local school districts to implement such requirements reduce drastically the funds which would otherwise be available for quality educational programs for all students; and

Whereas, The Texas Legislature supports the 1954 decision of the United States Supreme Court in *Brown v. Board of Education* that denial of the right of any child to attend any public school on the basis of race, creed or color is unconstitutional and defends the constitutional right of every child to receive a superior education free from any form of discrimination, whether the discrimination is directed against a minority or a majority; and

Whereas, The people of Texas by referendum have overwhelmingly voiced their opposition to compulsory busing of students to achieve a numerical racial balance in each public school; now, therefore, be it

Resolved, By the House of Representatives and the Senate of the 62nd Legislature, 4th Called Session, That the Legislature of the State of Texas hereby memorialize the Congress of the United States to face up to this most important issue of compulsory busing of students to achieve a numerical racial balance in each public school and to adopt a uniform national policy and standard applicable to all schools everywhere within the United States which will equitably and constitutionally resolve once and for all this most perplexing and highly emotional problem; and be it further

Resolved, That a copy of this Resolution be forwarded to each Senator and Representative from Texas, with the request that this Resolution be officially entered in the Congressional Record as a Memorial to the Congress.

The amendment was read and failed of adoption by the following vote:

Yeas—12

Bernal	Brooks
Bridges	Harrington

Jordan	McKool
Kennard	Schwartz
Kothmann	Sherman
Mauzy	Wallace

Nays—14

Aikin	Herring
Bates	Hightower
Beckworth	Patman
Connally	Snelson
Creighton	Tippen
Hall	Watson
Harris	Word

Absent

Blanchard	Grover
Christie	Wilson

Absent—Excused

Moore

The resolution was then adopted.

Record of Vote

Senators Jordan and Mauzy asked to be recorded as voting "Nay" on the adoption of the resolution.

Record of Vote

On motion of Senator Grover and by unanimous consent, his request was granted to be shown as voting "Yea" on Roll Call No. 9, final passage of H. C. R. No. 39, and Roll Call No. 10, suspending Senate Rule 73 to consider H. C. R. No. 4 and "Nay" on Roll Call No. 11, adoption of the amendment by Senator Schwartz to H. C. R. No. 4.

Reason for Vote

I was told by Senator Kennard that he would filibuster the rest of the evening and that no further business would be conducted in this Special Session.

I left the floor tonight at 6 p.m. because of a previous longstanding commitment in Tyler, Texas, and had I been present, I would have voted "Aye" H. C. R. 4, the resolution petitioning Congress for a Constitutional Convention to outlaw busing.

I have long been an advocate of this measure and in the last two special sessions I introduced this same resolution in the Senate.

GROVER

Message From The House

Hall of the House of Representatives,
Austin, Texas,
October 17, 1972.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 16 consisting of: Pickens, Cavness, Jones of Taylor, Nabers, and Orr.

All necessary rules suspended, and the Conference Committee Report on Senate Bill No. 55 adopted by a vote of 134 ayes, 0 noes.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Recess

On motion of Senator Aikin the Senate at 6:35 o'clock p.m. took recess until 9:15 o'clock p.m. today.

After Recess

The Presiding Officer (Senator Aikin in Chair) called the Senate to order at 9:15 o'clock p.m. today.

At Ease

The Presiding Officer announced the Senate would at 9:17 o'clock p.m. today stand at Ease Subject to Call of the Chair.

In Legislative Session

The Presiding Officer (Senator Aikin in Chair) called the Senate to order as In Legislative Session at 9:25 o'clock p.m. today.

(Senator Hightower in Chair)

Bills and Resolutions Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 55 (Signed, subject to the provisions of Section 49a, Article III of the Constitution of the State of Texas.)

H. C. R. No. 39

H. C. R. No. 4

(Senator Aikin in Chair)

At Ease

The Presiding Officer announced the Senate would at 9:28 o'clock p.m. stand At Ease Subject to Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:15 o'clock p.m. today.

Report of Conferees on Senate Bill 16

Senators Mauzy, Schwartz, McKool, Kennard and Blanchard reported on the meeting of the Conference Committee on S. B. No. 16, stating that no agreement had been reached on the bill.

Senator Aikin expressed appreciation of the Senate to the conferees for their efforts in attempting to reach an agreement with the House.

The President accepted the report of the committee and the conferees were discharged.

House Concurrent Resolution 22 On Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 22, Providing for sine die adjournment of the Fourth Called Session of the Sixty-Second Legislature at 6:00 o'clock p.m., October 17, 1972.

The resolution was read.

Senator Connally offered the following amendment to the resolution:

Amend H. C. R. No. 22 by striking the words "6:00 o'clock p.m." and inserting in lieu thereof the words "12:00 o'clock Midnight."

The amendment was read and was adopted.

The resolution as amended was then adopted.

Recess

On motion of Senator Aikin the Senate at 11:47 o'clock p.m. took recess until 11:55 o'clock p.m. today.

After Recess

The President called the Senate to order at 11:55 o'clock p.m. today.

Senate Resolution 170 (Caucus Report)

Senator Aikin offered the following resolution:

Honorable Ben Barnes
President of the Senate
Austin, Texas

Sir:

At a caucus held on Oct. 17, 1972, and attended by 28 members of the Senate, the following recommendations were made, to-wit:

Be Resolved by the Senate,

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of his office and to perform duties as may be required in connection with the business of the State from the closing of this session and until the convening of the next session.

The Committee on Administration shall establish the salaries to be paid the Senate Staff.

The Lieutenant Governor is authorized to name a Sergeant-at-Arms and a number of assistants as necessary in the operation of the Senate until the convening of the next session.

Each Senate office shall be allowed a salary budget of \$600.00 to be expended for the purpose of concluding the work of the Fourth Called Session of the 62nd Legislature and such salary budget shall be an expense of the Fourth Called Session.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Room, Staff Services Room, Calendar Clerk and Journal Clerk.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms and close his books for the Fourth Called Session of the Sixty-Second Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

Resolved, That there shall be printed 325 volumes of the Senate Journal of the Fourth Called Session of the 62nd Legislature and when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the Senate and House of Representatives, to the Lieutenant Governor, and 75 paper bound copies shall be furnished to the State Library. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 62nd Legislature; and, be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the

62nd Legislature upon vouchers signed by the Lieutenant Governor and the Secretary of the Senate upon recommendation of the Administration Committee. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon vouchers signed by the Lieutenant Governor and Chairman of the Senate Committee on Administration; and, be it further

Resolved, That in the furtherance of the Legislative duties and responsibilities of the Senate, the Administration Committee is here authorized and directed to charge to the individual members office budget as hereinafter authorize: (1) reimbursement of all actual expenses incurred by the members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin, but may be incurred in individual Senatorial Districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Lieutenant Governor in accordance with regulations governing such expenditures; and, be it further

Resolved, That the cash balance on hand under the provisions of Senate Resolution No. 15 of the Forty-Seventh Legislature be turned over to the Secretary of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said Resolution; and, be it further

Resolved, That the Lieutenant Governor and the Chairman of the Senate Committee on Administration shall have authority to employ such additional personnel as may from time to time be required and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature; and, be it further

Resolved, That the Chairman of the Finance Committee have authority to employ such additional employees of

his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee; and, be it further

Resolved, That the Lieutenant Governor shall have the authority to appoint any member of the Senate, the Secretary of the Senate or other Senate employee to attend National Legislative Conferences and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee; and, be it further

Resolved, That with the approval of the Lieutenant Governor and the Chairman of the Committee on Administration, the actual expenses of members serving on interim committees whose expenses are not otherwise provided for shall be reimbursed from the Contingent Expense Fund; and, be it further

Resolved, That any reimbursement for actual travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or the operation of his office or incident thereto should not exceed \$2,400.00 per month. In no instance, however, shall the interim total expenditure for travel expense and the operation of the office of any member exceed the monthly amount times the number of months or parts thereof comprising the interim. The Sergeant-at-Arms and the Secretary of the Senate are instructed not to prepare for payment any expenses in excess of such amount.

The total amount of expenses of any kind allowable hereunder for any member shall be cumulative.

It is further recommended that each employee of the Senate except elected officials be classified pursuant to the following schedule:

TITLE	Class No.	Group	Salary and Step Range
Clerk I	0051	02	360(1)—372(2)—384(3)
Messenger	0011	02	397(4)—410(5)—424(6)
Clerk Typist II	0106	04	410(1)—424(2)—438(3)
Stenographer I	0126	04	453(4)—468(5)—484(6)
Secretary II	0133	05	500(5)—517(6)—534(7)
Secretary III	0135	07	571(5)—590(6)—610(7)
Administrative Secretary	0138	09	673(5)—696(6)—719(7)
Information Specialist I	1892	14	848(1)—876(2)—906(3)
Administrative Technician I	1501	08	630(5)—651(6)—673(7)
Administrative Technician II	1502	11	743(4)—768(5)—794(6)
Administrative Technician III	1503	13	848(3)—876(4)—906(5)
Administrative Technician IV	1504	15	968(3)—1000(4)—1034(5)
Information Specialist II	1893	16	1000(2)—1034(3)—1068(4)
Attorney III	3533	17	1034(1)—1068(2)—1104(3)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act; and, be it further

Resolved, That the Sergeant-at-Arms is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate unless authorized by the Chairman of the Administration Committee.

Respectfully submitted,
A. M. AIKIN, JR.
Chairman of the Caucus
CHARLES HERRING
Secretary of the Caucus

The resolution was read and was adopted.

Election of President Pro Tempore Ad Interim

The President announced that the next order of business was the election of a President Pro Tempore Ad Interim.

Senator Blanchard nominated Senator Charles Wilson of Lufkin to be President Pro Tempore of the Senate Ad Interim.

Senators Jordan, Grover, Connally, Hall, Schwartz, Creighton, Bridges, Kennard, Snelson, Harris and McKool seconded the nomination of Senator Wilson.

The President appointed Senators Hightower and Wallace as tellers to take up and count the ballots.

The tellers reported that Senator Wilson had received thirty votes with one present and not voting and the President declared him duly elected as President Pro Tempore Ad Interim of the Fourth Called Session of the Sixty-second Legislature.

The President appointed Senators Harris, Creighton, Tippen, Schwartz and Connally to escort Senator and Mrs. Wilson to the President's Rostrum.

The President administered the Constitutional Oath of Office to Senator Wilson as President Pro Tempore Ad Interim of the Fourth Called Session of the Sixty-Second Legislature.

Senator Wilson addressed the members of the Senate expressing his appreciation for the honor bestowed upon him and his affection for the Members of the Senate.

Senator Wilson then presented his wife, Jerry, to the Members of the Senate.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

October 17, 1972.

Mr. President: I move that the President be authorized to appoint a Committee of five (5) members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and was adopted.

The President announced the appointment of the following as a Committee to Notify the Governor: Senators Hightower, Beckworth, Hall and Harrington.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

October 17, 1972.

Mr. President: I move that the President be authorized to appoint a Committee of five (5) members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and was adopted.

The President announced the following as a Committee to Notify the House: Senators Word, Creighton, Harris and Connally.

Governor Notified

The Committee to Notify the Governor that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Hightower for the Committee reported that the Committee had performed the duty assigned it.

The Committee was discharged.

House Notified

The Committee to Notify the House of Representatives that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Word for the Committee reported that the Committee had performed the duty assigned it.

The Committee was discharged.

Welcome and Congratulatory Resolutions

S. C. R. No. 20—By Senator Herring: Extending congratulations to Silver Spurs of University of Texas on occasion of fifth birthday of Bevo IX.

S. R. No. 155—By Senator Bridges: Extending congratulations to Diane Naylor for her service to the Senate.

S. R. No. 156—By Senator Bridges: Extending congratulations to Manuel Ysaguirre for his contributions to organized labor.

S. R. No. 157—By Senator Watson: Extending congratulations to Fort Hood, Texas on occasion of Thirtieth Anniversary.

S. R. No. 158—By Senator Watson: Extending congratulations to graduates of Texas State Technical Institute of Waco.

S. R. No. 161—By Senator Schwartz: Extending congratulations to The Honorable and Mrs. Johnnie Arolfo on the occasion of their twenty-fifth wedding anniversary.

S. R. No. 166—By Senator Snelson: Extending congratulations to Mrs. Edna Ricks Snelson on her nomination as Texas "Teacher of the Year."

S. R. No. 168—By Senator Snelson: Extending congratulations to Dr. B. O. Wood on the occasion of his Fiftieth Anniversary in the Ministry.

Memorial Resolutions

S. R. No. 154—By Senator Brooks: Memorial resolution for Clyde Thomas Gary.

S. R. No. 160—By Senator Schwartz: Memorial resolution for John C. Mahan.

S. R. No. 163—By Senator Watson: Memorial resolution for M. E. Rappe.

S. R. No. 164—By Senator Watson: Memorial resolution for B. B. Younger.

S. R. No. 165—By Senator Watson: Memorial resolution for W. C. Moore.

S. R. No. 167—By Senator Snelson: Memorial resolution for Judge James A. Drane.

Adjournment Sine Die

The President announced that the hour for final adjournment of the Fourth Called Session of the Sixty-second Legislature had arrived.

Senator Jordan moved that the Senate stand adjourned Sine Die.

The motion prevailed and the President declared the Fourth Called Session of the Sixty-second Legislature adjourned Sine Die at 12:00 o'clock m.

Appendix

Sent to Governor**October 17, 1972**

S. C. R. No. 18

S. B. No. 31

S. B. No. 32

S. C. R. No. 20

S. B. No. 57

Sent to Comptroller**October 17, 1972**

S. B. No. 55

Sent to Governor**October 18, 1972**

S. B. No. 55